

**ROSEMAN TITLE IX AND STUDENT PREGNANCY AND  
PREGNANCY-RELATED CONDITIONS POLICY**

*Approved by Administrative Council 3/13/2023*

*Effective date 3/13/2023*

Roseman University complies with Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. §1681 et seq., Title IX is a Federal civil rights law that prohibits discrimination on the basis of sex—including pregnancy and pregnancy related conditions—in educational programs and activities. The Department of Education’s Title IX regulations prohibit discrimination based on pregnancy and related conditions in institutions that receive Federal funds. Title IX protects students and employees from discrimination based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom. In October 2022, the Department of Education, Office for Civil Rights noted that, “Schools must treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom the same as any other temporary disability with respect to any hospital or medical benefit, service, plan, or policy for students. 34 C.F.R. § 106.40(b)(4).”

Roseman University is committed to creating and maintaining an inclusive and accessible environment for students who are pregnant or who have related conditions. Students must submit requests for consideration of pregnancy-related needs to the Roseman University’s Title IX Coordinator. Roseman will make reasonable adjustments/accommodations for childbirth, false pregnancy, termination of pregnancy, and recovery therefrom. These protections extend to Roseman students its admissions process, its educational programs, or activities, and in extracurricular activities controlled by the university. However, adjustments/accommodations cannot alter the essential functions of the student’s academic program. The Title IX Coordinator will contact the designated administrator in the student’s college to determine if the designated college administrator considers the requested adjustment/ accommodation to be a fundamental alteration of the student’s academic program. When necessary, the Title IX Coordinator will facilitate an interactive process between the student and the student’s college to determine the final adjustment/accommodation that college faculty/administration will provide to the student.

Students and/or faculty with questions about the adjustment/ accommodation request and/or complaint and grievance process should contact Roseman’s Title IX Coordinator at the address, email, or phone number listed in this policy below.

**The following information highlights what students who are pregnant or who have related conditions should know about their rights under Roseman’s Title IX policy.**

**Classes and University/College-Related Activities**

- **Students have the right to continue to participate in classes and extracurricular activities sponsored by or affiliated with Roseman even when they are pregnant or have related conditions.** Students can still participate in class, student organizations, honor societies, student leadership opportunities, and other activities sponsored by or affiliated with Roseman University. Students who are pregnant or who have a related condition are not required to submit a clinician’s note to administration unless their college requires a clinician’s note from all students who have a physical or mental

condition. A college will not require a clinician's note from a student after the student has been hospitalized for childbirth unless it requires a clinician's note from all students who have been hospitalized for other conditions.

- **Students have the right to receive reasonable adjustments/ accommodations, like an adjustable chair or chair not fixed to a table/desk, elevator access, or allowing frequent trips to the restroom, when necessary, because of their pregnancy or related condition.**

### **Excused Absences and Medical Leave**

- **Students have the right to an excused absence due to pregnancy or childbirth** for as long as their clinician concludes is necessary.
- **Students are allowed to return to the same academic and extracurricular status as before their medical leave began, which includes the opportunity to make up any work missed while not in class.**
- **University and College administration are committed to assuring that faculty members understand the Title IX requirements related to an excused absence/medical leave.** A faculty member may not refuse to allow a student to submit work after a missed deadline because of pregnancy or childbirth. If a grade is based in part on class participation or attendance and a student missed class because of pregnancy or childbirth, the student will be allowed to make up the participation or attendance credits that the student did not have the chance to earn.
- **Roseman's Title IX Coordinator is responsible for assuring that students who are pregnant or who have related conditions receive services equivalent to the services a college provides to students with temporary or permanent medical conditions.**

### **Harassment**

- **The University is committed to protecting students from harassment based on sex, including harassment, because of pregnancy or pregnancy related conditions.** Comments that could constitute prohibited harassment include making sexual comments or jokes about pregnancy, stating sexually charged names, spreading rumors about sexual activity, and making sexual propositions or gestures, if the comments are sufficiently serious that it interferes with a student's ability to benefit from or participate in the student's University's/College's program.

### **Policies and Procedures**

- **Students with questions about requesting adjustment(s)/accommodation(s) for pregnancy or related conditions must contact Roseman's Title IX Coordinator, Dr. Linwood Whitten at [lwhitten@roseman.edu](mailto:lwhitten@roseman.edu) or (702) 968-1630.** The Title IX Coordinator's responsibilities include overseeing complaints of discrimination against students who are pregnant and working with the student and the student's college to arrange for the student who is pregnant to receive reasonable adjustments/accommodations.

**Examples of Adjustments/Accommodations for Students who are Pregnant or who have Related Conditions include, but are not limited to:**

- Reserved seating at a chair and/or desk that is comfortable for a student who is pregnant to sit in
- Breaks during class
- Closer/easier parking access
- Rescheduling tests and exams according to the same policies applied to students with medical conditions
- Receiving excused absences according to the same policies applied to students with medical conditions
- Submitting work after a missed deadline according to the same policies applied to students with medical conditions.
- Consideration of reasonable alternatives to make-up missed work
- Receiving reasonable time for nursing and access to lactation spaces
- If a college does not have a leave policy for students, or the student does not otherwise qualify for leave under the policy, a college must provide leave to a student for pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, for as long as the student's physician deems medically necessary. After that leave, the student must be reinstated to the status the student held when the leave began. 34 C.F.R. § 106.40(b)(5).
- A teacher may not refuse to allow a student to submit work after missing a deadline because of absences due to pregnancy or childbirth.
- If a teacher's grading is based in part on class attendance or participation, the student should be allowed to earn the missed credits and be reinstated to the student's pre-leave status.

**Tips for Students who are Pregnant or who have Related Conditions**

- **Ask Roseman's Title IX Coordinator for assistance.**
- **Immediately report issues/concerns to Roseman's Title IX Coordinator.**  
It is recommended that students keep notes about pregnancy-related absences, any instances of harassment, and interactions with university/college officials related to pregnancy or related conditions.

**Contact Information for Roseman's Title IX Coordinator**

Dr. Linwood Whitten

Title IX Coordinator and Vice President for Student Affairs

Office # 161

11 Sunset Way

Henderson, NV 89014

(702) 968-1630

[lwhitten@roseman.edu](mailto:lwhitten@roseman.edu)

- **If a student feels that Roseman University is discriminating against them because they are pregnant or they have a related condition, the student may file a complaint:**
  - Following Roseman's Title IX grievance procedures.
  - Prior to filing a complaint with OCR against an institution, a potential complainant may want to find out about the institution's grievance process and use that process to have the complaint resolved. However, a complainant is not required by law to use the institutional grievance process before filing a complaint with OCR. If a complainant uses an institutional grievance process and also chooses to file the complaint with OCR, the complaint must be filed with OCR within 60 days after completion of the institutional grievance process.  
(<https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.)
  - With the US Department of Education, Office for Civil Rights (OCR), even if a student has not filed a complaint with the University. If a student files a complaint with OCR, the student must do so within 180 days (6 months) of when the discrimination took place. If a student wishes to fill out a complaint form online, they may do so at: <http://www.ed.gov/ocr/complaintintro.html>
  - In court, even if a student has not filed a complaint with Roseman or OCR.
- **To learn more about a student's rights, or if a student believes the University is violating Federal law, the student may contact the**
  - U.S. Department of Education, Office for Civil Rights, at (800) 421-3481 or [ocr@ed.gov](mailto:ocr@ed.gov).
  - Roseman University's Title IX Coordinator

## **Pregnancy/Pregnancy-Related Condition Adjustment/Accommodation Request and Grievance Process**

### **I. Adjustment/Accommodation Request**

A student can follow the process described in this section to make a request to the Title IX Coordinator to receive an academic adjustment/accommodation or financial aid adjustment based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.

- Students requesting an adjustment/accommodation based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom must contact Roseman University's Title IX Coordinator to begin this process. This request should be made as soon as possible after the student learns of their condition.
  - The Title IX Coordinator may request additional documentation/information from the student to facilitate the completion of this process.
- Roseman's Title IX Coordinator is responsible for facilitating the interactive process between the student and the designated administrator from the student's college to address the student's request for an adjustment/accommodation and, once an agreement has been reached between both parties, assuring that the student receives the approved adjustments/accommodations.
- If the student is not satisfied with the results of this interactive process, they have the right to submit a Formal Complaint to Roseman's Title IX Coordinator

### **II. Title IX Pregnancy/Pregnancy-Related Condition Formal Complaint and Grievance Process**

#### Filing a Formal Complaint

- If a student concludes that their adjustment/accommodation request has been not satisfactorily resolved and/or the student believes they have been subjected to discrimination, the student must submit a Formal Complaint to Roseman's Title IX Coordinator to initiate the grievance process:

Dr. Linwood Whitten  
Title IX Coordinator and Vice President for Student Affairs  
Office # 161  
11 Sunset Way  
Henderson, NV 89014  
(702) 968-1630  
[lwhitten@roseman.edu](mailto:lwhitten@roseman.edu)

- A student must submit a Formal Complaint to the Title IX Coordinator within sixty (60) days after the alleged discriminatory act.
- A student may submit a Formal Complaint to the Title IX Coordinator in person, by mail, or by electronic mail, using the contact information listed for the Title IX Coordinator.

### Title IX Coordinator's Response to and Management of a Formal Complaint

- When the Title IX Coordinator receives a Formal Complaint from a student, the Title IX Coordinator must promptly contact the student within at least three (3) business days after the Title IX Coordinator receives the Formal Complaint to schedule a meeting to discuss the complaint and possible resolution(s).
- After meeting with the student to discuss the student's Formal Complaint, the Title IX Coordinator will dismiss a student's Formal Complaint (which includes not initiating a Title IX Investigation) if:
  - the alleged conduct would not constitute a violation the University's Title IX policy or discrimination policies, even if proved, or
  - the alleged conduct did not occur in Roseman's educational programs or activities, or
  - the student is not a member of a protected class (e.g., pregnant, childbirth, false pregnancy, termination of pregnancy or recovery therefrom) or
  - the Title IX Coordinator, using the reasonable person standard, concludes that
    - 1) the student was not treated adversely based on their membership in a protected class or
    - 2) the student was not discriminated against or excluded from a college's education program or activity.
- The Title IX Coordinator, after deciding to dismiss a student's Formal Complaint, will send written notice of the dismissal and the reason(s) for the dismissal within five (5) business days to the student.
  - The student has the right to appeal the Title IX Coordinator's decision to dismiss the formal complaint to Roseman's Title IX Appeals Decision-maker within five (5) business days after the Title IX Coordinator sent the written notice of dismissal to the student.

### Title IX Investigation and the Title IX Investigative Report Process

- If the Title IX Coordinator or the Title IX Appeals Decision-maker decides to proceed with a Title IX Investigation, the Title IX Coordinator will either decide to assume the role of the Title IX Investigator or assign someone else to conduct the investigation, i.e., the investigation begins after someone has been designated to satisfy the role, 'Title IX Investigator'. The Title IX Investigator will begin their investigation no later than five (5) business days after being assigned to the case.
  - The Title IX Investigator will prepare a Final Title IX Investigative Report (hereafter referred to as 'Investigative Report') at the conclusion of the investigation. The Investigative Report will not include the Title IX Investigator's opinions regarding the facts of the case and/or recommendations. Additionally, the Title IX Investigator will not share their opinions regarding the case with the student, the student's college representative, the Title IX Decision-maker and/or the Title IX Appeals Decision-maker.
    - The Title IX Investigator's Investigative Report will be submitted to the student, the student's College representative, and Roseman's Title IX Decision-maker.
  - The student and the student's College representative have no more than ten (10) business days to submit a written response to the Investigative Report to the Title IX Decision-maker.

### Title IX Decision-maker's Assessment and Decision-Making Process

- The Title IX Decision-maker is responsible for determining if it was more likely than not that the University's Title IX policies were violated, and, if so, what the University will do to address these violation(s).
- The Title IX Decision-maker when they resolve the student's Formal Complaint must only consider the Title IX's Investigator's Investigative Report, the student's written responses to the Title IX Investigative Report, if any, and the college representative's written responses to the Title IX Investigative Report, if any.
- The Title IX Decision-maker will submit a written notice and explanation of their decision to the student, the student's college representative(s), and the Title IX Coordinator simultaneously within fifteen (15) business days after the deadline for either party to submit written responses to the Investigative Report. The Title IX Decision-maker has the right to extend this deadline for good cause upon written notice to the student and the student's college representative.
- If the Title IX Decision-maker determines that the denial of the requested adjustment/accommodation constituted a denial of the students' Title IX rights, the Title IX Decision-maker will provide a written determination addressing:
  - the appropriate adjustment(s)/accommodation(s) that the university/college must provide to the student,  
and
  - any other interventions, if any, that the Title IX Decision-maker considers appropriate to address the denial of a student's rights.

### Title IX Appeals Process

- The student and the student's college representative have a right to submit a written appeal of the Title IX Decision-maker's decision(s) to the Title IX Appeals Decision-maker. The student and the student's college representative must submit a written appeal to the Title IX Appeals Decision-maker within five (5) business days after the Title IX Decision-maker provided each party with the decision. The Title IX Appeals Decision-maker will consider a temporary delay or limited extension of time limits in the appeals process for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action.
- The Title IX Appeals Decision-maker will only consider appeals for any of the following reasons:
  - Procedural irregularity that, had it not occurred, would have more likely than not resulted in a different outcome of the process
  - New evidence that was not reasonably available at the time the Title IX Decision-maker issued their decision *and* that, if known, would have more likely than not resulted in a different outcome of the process

- The Title IX Coordinator, Investigator, and/or Decision-maker had a conflict of interest or bias so severe that a reasonable person would conclude that, if someone else had served in this role, a personnel change would have more likely than not resulted in a different outcome of the process
- The Title IX Decision-maker's decision to provide/not provide an adjustment/accommodation and/or to implement /not implement an intervention would be considered by a reasonable person as being excessive or grossly unfair, e.g., a student was expelled, or an employee was fired, from the university for a minor policy violation, alternatively, a Title IX Decision-maker concludes that a student should not have received a failing grade for a class because the student's rights were violated but does not provide the student with a relatively simple pathway to change their grade.
- The Title IX Appeals Decision-maker will render a decision on any appeals within fifteen (15) business days of the Appeals Decision-maker's receipt of a party's written appeal. The Title IX Appeals Decision-maker may allow for a temporary delay or limited extension of time limits in the sharing the appeals decision with both parties for good cause with written notice to the student and the student's College representative of the delay or extension and the reason(s) for the delay or extension of the decision. The Title IX Appeals Decision-maker's decision shall be final.

The Title IX Coordinator is responsible for the effective implementation of the Title IX Decision-maker's decisions and/or the Title IX Appeals Decision-maker's decisions.